

Customer No. 25280

Case No. 2168

REMARKS

Claims 1-34 were pending in the application. Claims 16-34 have been canceled. Claims 35-47 have been added. Claim 7 has been amended. Thus, upon entry of this amendment, claims 1-15 and 35-47 are subject to continued examination. Reconsideration and withdrawal of all outstanding rejections to such claims is requested at this time.

Applicants respectfully acknowledge the finding of allowable subject matter in claims 7 – 10. Claim 7 has been amended to be in independent and allowable form. Claims 8 – 10 depend from claims 7 or 8. New claims 38 – 47 depend from claim 7. Hence, Applicants respectfully believe that at least claims 7 – 10 and 38 – 47 are allowable.

REJECTIONS:

Claims 1-6 and 11-15 stand rejected as being obvious over the combination of U.S. Patent 5,916,273 to Hepfinger in view of U.S. Patent 4,427,557 to Stockburger. No other basis for rejection is provided. Continued rejection on these grounds is respectfully traversed at this time on the grounds that the proposed combination is taught away from by the art and would be expected to reduce the softness of the fabric of the primary reference thus rendering the fabric of the primary reference unsuitable for its intended use as a plush fabric.

Applicants point out that an expressed goal of using the partially crystalline polymer resin treatments disclosed in Stockburger is increased fiber to fiber friction. See e.g. Col. 1, lines 31-35 and Col. 1, lines 44-50. However, increasing fiber to fiber friction in a high surface area pile structure such as that taught by Hepfinger would be completely contrary to the desire disclosed in Hepfinger to provide a velvet-like effect of enhanced feel and softness.

MPEP §2143 states that the mere fact that references can be combined or modified does not render the combination obvious unless the prior art also suggests the desirability of the combination. If a proposed modification would fundamentally change the principle of operation of the primary reference or render it unsuitable for its intended purpose, then the required suggestion or motivation for making the proposed modification is lacking.

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In the present instance, the Office Action takes the position that it would have been obvious to add the treatment composition taught by Stockburger to the fabric taught by Hepfinger to produce a soil resistant fabric with good wicking and excellent durability. While such characteristics may have been achieved in the proposed combination, the Office Action fails to take into account that the teachings from Stockburger indicating that the resultant treated fabric would necessarily also be characterized by high fiber to fiber friction within the treated pile portion. Such a characteristic would, of course, be expected to reduce softness in a pile structure since the individual pile elements would slide across one another less freely. This negative impact on softness within the pile would be expected to be particularly pronounced in pile materials such as taught in Hepfinger which are made up of multiple broken small denier filaments since the contacting surface area within such pile material is greatly increased.

It is well established that a reference must be considered for everything it teaches including portions which lead away from the claimed invention. The clear teaching in Stockburger is that desirable hydrophilic treatments enhance fiber to fiber friction. Such a characteristic of enhanced fiber to fiber friction is at odds with the express desire in Hepfinger to provide a soft velvet-like effect on the technical back pile surface. As will be appreciated, a soft feel is essential to a plush fabric. Thus, a person of skill in the art having only the Hepfinger and Stockburger references available (i.e. without the insight gleaned from the present application) would be forced to risk reducing the soft feel of the fabric in Hepfinger and thereby risk making it unacceptable for its intended use as a plush fabric in order to achieve the stain resistance and wicking characteristics provided by the treatments of Stockburger.

In light of the negative effects on pile softness which would be expected from the application of the treatments from Stockburger to the fabric of Hepfinger, it is respectfully submitted that the prior art relied upon does not provide an adequate teaching or motivation to engage in the proposed combination. To the contrary, it is respectfully submitted that the teachings in Stockburger would likely lead one away from the combination since an undesirable reduction in softness would be expected.

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CONCLUSION:

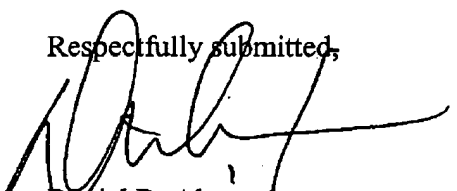
For the reasons set forth above, it is believed that all claims stand in condition for allowance. Prompt allowance and passage to issue is therefore requested.

While Applicants have attempted to address all outstanding issues, in the event that any issue remains unresolved, the Examiner is encouraged to contact the undersigned attorney in the hope that such issue may be resolved in an expedient and satisfactory manner.

A petition for a two (2) month extension of time accompanies this amendment. To any extent as may be necessary, a petition for an additional extension of time is hereby made. Authorization is hereby provided to deduct any fee necessary for the acceptance of this paper from Deposit Account 04-0500.

Respectfully submitted,

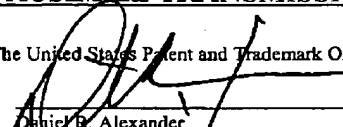
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to The United States Patent and Trademark Office at 703-872-9310 on November 5, 2003.



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